IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1176 OF 2006
IN
CRIMINAL APPEAL NO.1112 OF 2006

Bhagabai Hanumant Shelke ...Applicant

Versus

The State of Maharashtra ...Respondent

Smt Varsha Palav for the Applicant.
Shri S.V. More, A.P.P for the Respondent.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 24, 2006.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P for the State. The conviction of the Applicant is for offence punishable under section 306 and 323 of the Indian Penal Code. The maximum substantive sentence is of five years. The Applicant has been acquitted for the offences punishable under section 451, 504, 506(2) of the Indian Penal Code. It is not in dispute that the Applicant was on bail throughout the trial.

2. It is submitted that the Applicant has not misused the liberty granted in her favour. It is stated that the Applicant is 44 years old housewife

having three male children who are minors. The learned A.P.P opposes the Application by pointing out that there are dying declarations.

3. Considering the fact that the Applicant was on bail throughout the trial and there is no allegation of misuse of liberty granted and considering the aforesaid peculiar facts of the case, the Applicant deserves to be enlarged on bail. Even the Appeal is not likely to be heard before completion of period of sentence. In view of the decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat [(1999) 4 Supreme Court Cases Page 421], I pass the following order:

(i) The Applicant shall be enlarged on the same bail on which she was enlarged during the pendency of the trial subject to filing fresh bail bonds.

(ii) The bail is granted subject to condition that the Applicant will report to Karjat Police Station, District Raigad on every first Saturday of every calendar month till the

disposal of the Appeal.

JUDGE